

REMARKS

Reconsideration of this application is respectfully requested. Claims 3, 4, 6, 7, 8, 16, 17, 18, 20 and 22 have been previously canceled. As such, claims 1, 2, 5, 9-15, 19, 21, and 23-27 are in this application and are presented for the Examiner's consideration in view of the following comments.

Claims 1-16, 19, 24 and 27 have been rejected on the grounds of provisional nonstatutory obviousness-type double patenting based on Applicants' co-pending U.S. Patent Application No. 10/543,045 in view of U.S. Patent No. 6,700,624 issued March 2, 2004 to *Yun*. Applicants request deferral of this provisional rejection until such time as U.S. Patent Application No. 10/543,045 is allowed and the present application has allowable subject matter.

Claims 1-2, 5, 9, 10, 15, 19, 21 and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,535,717 issued March 18, 2003 to Matsushima et al. (*Matsushima*) in view of U.S. Patent No. 6,700,624 issued March 2, 2004 to Yun (*Yun*). Applicants still respectfully disagree.

Applicants incorporate by reference Applicants' arguments in Applicants' response filed on 16th August 2010. In addition, Applicants offer the following additional arguments.

Applicants' claim 15 requires "storing preset selection parameters". First, "storing" is required by Applicants' claim 15. The Examiner asserts that the broadcast hindrance mode of *Matsushima* is representative of a parameter. However, *Matsushima* does not store the broadcast hindrance mode since the broadcast hindrance mode represents a condition of the receiver when errors occur in the received signal. (*Matsushima*, col. 10, lns. 58-65.) In particular, *Matsushima* states that the "broadcast hindrance mode means that the high quality signal is not successfully received". (*Matsushima*, col. 10, lns. 62-64.) As such, the broadcast hindrance mode is not stored in *Matsushima* as required by Applicants' claim 15.

Second, "preset" is required by Applicants' claim 15. Again, the Examiner asserts that the broadcast hindrance mode of *Matsushima* is representative of a preset parameter. However, as described in *Matsushima*, the receiver does not enter the

broadcast hindrance mode unless the high quality signal is not successfully received. (*Matsushima*, col. 10, lns. 58-65.) As such, the broadcast hindrance mode is not preset in *Matsushima* as required by Applicants' claim 15.

Third, "parameters" are required by Applicants' claim 15. Parameters represent values. As noted, the Examiner asserts that the broadcast hindrance mode of *Matsushima* is representative of a parameter. However, *Matsushima* only describes "modes" of the receiver, i.e., conditions of the receiver. (*Matsushima*, col. 10, lns. 58-65.) Nowhere does *Matsushima* describe that the broadcast hindrance mode has a value.

Fourth, *Matsushima* only describes a receiver having two modes. A "normal receiving mode" and a "broadcast hindrance mode". (*Matsushima*, ln. 10, cols. 60-65.) Yet, *Matsushima* describes an embodiment with N low quality signals. (*Matsushima*, col. 19, lns. 31-50.) However, *Matsushima* only describes one "broadcast hindrance mode". As such, the one "broadcast hindrance mode" of *Matsushima* does not select a particular low quality signal but, instead, continues to determine the degree of seriousness of the receiving trouble. (*Matsushima*, col. 19, ln. 65 to col. 20, ln. 14.) Therefore, the "broadcast hindrance mode" of *Matsushima* is not a preset selection parameter for automatically selecting the content representative signal at the desired quality in response to the selection parameters as required by Applicants' claim 15.

In view of any one of the above reasons, *Matsushima* does not describe the requirements of Applicants' claim 15 as asserted by the Examiner.

Regardless, there is no reason to modify Matsushima with Yun as suggested by the Examiner for any number of reasons.

First, in the *Matsushima* system the receiver, itself, already has information about the quality of each received signal because the receiver is specifically designed to receive a certain number of high quality and low quality signals. (*Matsushima*, e.g., FIG. 6.) Therefore, there is no reason, or motivation, to now add redundant information about qualities of the encoded signals into the transmitted signal itself as described in *Yun*.

Second, the problem addressed by *Yun* is already solved in Matsushima. *Yun* provides information about the quality of the encoded signals so that if a high

definition video signal is available on another channel for the same program, the user can switch to the high definition video signal. (*Yun*, col. 3, lns. 31-38.) However, *Matsushima* always provides the highest quality video signal. (*Matsushima*, col. 10, lns. 60-63.) As such, the user in *Matsushima* never experiences the problem addressed by *Yun*.

In view of any one of the above reasons, there is no reason for one skilled in the art to combine *Matsushima* with *Yun* as asserted by the Examiner.

As such, Applicants' independent claim 15 is patentable over *Matsushima* in view of *Yun*.

Similar comments apply to Applicants independent claim 1.

Consequently, Applicants dependent claims 2, 5, 9, 10, 15, 19, 21 and 23 are also patentable over *Matsushima* in view of *Yun*.

Claims 11, 12, 13, 14, 24, 25 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Yun* and further in view of U.S. Patent Publication 2002/0181581 published December 5, 2002 to Birru et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 15.

Claim 27 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Yun* and further in view of U.S. Patent No. 6,687,305 issued February 3, 2004, to Nakamura et al. Applicants respectfully disagree for the reasons described above with respect to independent claim 15.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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